

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION

VIRGINIA KAY BRANSCOMB

Plaintiff,

v.

Civil Action No.: \_\_\_\_\_

TARGET STORES, INC.,

Defendant

**NOTICE OF REMOVAL**

Comes Now the Defendant, Target Corporation, doing business in Virginia under the assumed name of Target Stores, Inc. ("Target"), by counsel, pursuant to 28 U.S.C. § 1446, and files this Notice of Removal of this action from state court, and in support thereof, states as follows:

1. On or about the 27th day of January, 2021, a Complaint was filed by the Plaintiff against Target in the Circuit Court for the City of Williamsburg/James City County, Virginia.
2. The state court action is styled *Virginia Kay Branscomb v. Target Stores, Inc.*, Case No.: CL21-00264-00. The United States District Court for the Eastern District of Virginia, Newport News Division, is the District Court embracing the state court where this action is pending. A copy of all process, pleadings and orders served upon the Defendant are attached hereto as Exhibit "A."
3. The Complaint and Summons were served upon Target Corporation's registered agent on or about the 10<sup>th</sup> day of February, 2021. A responsive pleading consisting of an Answer were timely filed in state court by Target Corporation. That pleading are attached hereto as Exhibit "B." The time within which Target Corporation is required to file this Notice of Removal of this action to this Court has not expired.

4. At the time of the commencement of this action in state court and at the time of the filing of this Notice of Removal, the Plaintiff was a citizen of the Commonwealth of Virginia. At the time of the commencement of this action in state court and at the time of the filing of this Notice of Removal, Target Corporation was and is a foreign corporation organized under the laws of the State of Minnesota with its principal place of business in the State of Minnesota.

5. Plaintiff's Complaint seeks damages in the amount of Two-Hundred and Fifty Thousand Dollars (\$250,000.00) based on injuries allegedly resulting from a trip and fall on an elevated edge of a display on the sales floor of a store owned and operated by the Defendant. Plaintiff's Complaint alleges that the Defendant's negligence was the proximate cause of the Plaintiff's accident and injuries.

6. The United States District Court for the Eastern District of Virginia has original jurisdiction over this accident pursuant to 28 U.S.C. § 1332 because it is between citizens of different states, the Defendant is not a citizen of the Commonwealth of Virginia and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs. Therefore, this action is one which may be removed to this Court pursuant to 28 U.S.C. § 1441 on the basis of diversity of jurisdiction.

7. Notice of the filing of this Notice of Removal will be promptly served on the Plaintiff, through counsel, and filed with the Clerk of the Circuit Court for the City of Williamsburg/James City County.

8. The undersigned is counsel of record for Target Corporation, and the facts set forth in this Notice of Removal are true and accurate to the best of my knowledge, information and belief.

WHEREFORE, the Defendant, Target Corporation, by counsel, respectfully requests that the above action pending against it in the Circuit Court for the City of Williamsburg/James City County be removed to the United States District Court for Eastern District of Virginia, Newport News Division.

TARGET CORPORATION

By: \_\_\_\_\_ /s/ \_\_\_\_\_  
Of Counsel

Timothy S. Brunick, VSB# 35783  
Counsel for Target Corporation  
Clarke, Dolph, Hull & Brunick, PLC  
5712 Cleveland Street, Suite 130  
Virginia Beach, VA 23462  
Phone: (757) 466-0464  
Fax: (757) 466-0834  
[tbrunick@clarkedolph.com](mailto:tbrunick@clarkedolph.com)

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of March, 2020, I filed the foregoing Notice of Removal electronically with the Clerk of the Court using the CM/ECF system which will send notification to all counsel of record listed below and emailed and mailed a copy of same, via U.S. Mail to:

Evan D. Mayo, Esq. (VSB #89383)  
Counsel for Plaintiff  
Tremblay & Smith, PLLC  
105-109 East High Street  
Charlottesville, Virginia 22902  
Telephone: (434) 977-4455  
Facsimile: (434) 979-1221  
[evan.mayo@tremblaysmith.com](mailto:evan.mayo@tremblaysmith.com)

\_\_\_\_\_/s/\_\_\_\_\_  
Timothy S. Brunick